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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/224,219	12/30/1998	S. VINCENT BIRLESON	45981-P016US	3976

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EXAMINER

GESESSE, TILAHUN

ART UNIT PAPER NUMBER

2685

DATE MAILED: 10/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

HG

Office Action Summary	Application No. 09/224,219	Applicant(s) BIRLESON, S. VINCENT	
	Examiner Tilahun B Gesesse	Art Unit 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42, 44-50, 52 and 53 is/are rejected.
- 7) ☒ Claim(s) 43 and 51 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1 - 42, 44-50,52-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Caporizzo et al (us 6,014,547).

As to claims 1,9 and 32-33, Caporizzo et al disclose a tuner (11) for extracting specific signals from a set of signals on a carrier (RF input, col.2 lines 55-58) wherein the set of signals have at least one of a set of measurable characteristics, (a settop terminal (12) which measures the input RF carrier signal power level at several frequencies with the CATV RF input bandwidth upon system power up, col.1 lines 43-46). Caporizzo et al disclose means (14,20) for determining from a measurement of the measurable characteristics that are present in a particular set of signals certain desirable tuner operating characteristics, (col.1 lines 46-54 and fig.1)Caporizzo et al disclose means operable under control of said determining means for

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changing the operating characteristics of said tuner, (col.3 lines 1-14, col.3 lines 34-44,fig.5).As to claims 2,4,7-8,19-20, Caporizzo et al disclose means for changing power levels with respect to certain of said tuner components,(abstract). As to claim 3, Caporizzo et al disclose means for determining optimum operating characteristics for said tuner depending upon said determined operating characteristics, (abstract). As to claim 5, Caporizzo et al disclose the tuner is constructed on a single substrate (fig.2). As to claim 6, Caporizzo et al disclose the method of operating a tuner (11 fig.2). Caporizzo et al disclose assessing from time to time the incoming signal environment wherein an assessment of said incoming signal environment is a function of signals being processed by said tuner, (col.5 lines 41-44). Caporizzo et al disclose based on the assessment environment selecting an operating level for said tuner (col.5 lines 44-47) ; and Caporizzo et al disclose setting the operation of said tuner consistent with said selected operating level (col.4 lines 58-col.5 line 23). As to calims 10-11, Caporizzo et al disclose the determining step includes taking signal measurements of the signal being processed by the tuner (abstract). As to claim 12,21 Caporizzo et al disclose receiving from external source (RF input of CATV),fig.1. As to claim 13, 22,Caporizzo et al disclose monitoring the RF input and the inband receive signal strength (microprocessor) (fig.2). As to claim 14-15 and 17,23 Caporizzo et al disclose adjusting the number of components that are active at any particular time (equalizer fig.5). As to claim 16, 24-25, Caporizzo et al disclose the channel sweep and static methed at different times (col.5 lines 30-36). As to claims 18,26-27, Caporizzo et al disclose a tuner comprising the circuit for determining tuner operating characteristics from knowledge of the signals being processed by the tuner (fig.2) and at least one circuit for adjusting the operating characteristics in accordance with said determining circuit (fig.5). As to claims 28-29,

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Caporizzo et al disclose adjusting the number of components that are active at any particular time (equalizer fig.5. As to claim 30, Caporizzo et al disclose receiving from external source (RF input of CATV),fig.1. As to claim 31,34-37. Caporizzo et al disclose the channel sweep and static method at different times (col.5 lines 30-36). As to claims 38-39,41-42,44, 46-47,49-50,52, Caporizzo et al disclose a system for processing signal (fig.2)) means for providing input signal environment assessment (14) , wherein an input signal (RF input) environment assessed by aid input signal environmental assessment means comprises a set of signals (col.2 line 66-col.3 38 and fig.2) , means for determining a power level from input signal environmental assessment information (16 of fig.2 and col.3 line 39-col.4 line 15), wherein said power level determining means is coupled to said input signal environmental assessment means for communication of said input signal environmental assessment information (fig.2 and col.3 line 39-col.4 line 15); means for providing power control (20) in accordance with determined power level information , wherein said power control means is coupled to said power level determining means for communication of said determined power level information (fig.2 and 5), and means for tuning a selected signal from said set of signals, wherein said tuning means is coupled to said power control means for power control of said tuning means by said power control means (col. 6 lines 7-21 and fig.2). As to claim 40,48, Caporizzo et al disclose the channel sweep and static method at different times (col.5 lines 30-36). As to claim 45, 53,Caporizzo et al disclose means for selecting mixer cores from a plurality of mixer cores of said tuner for use in processing a signal (16 of fig.2).

Allowable Subject Matter

4. Claims 43, and 51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Specification

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dang et al (5,949,472) disclose method and apparatus for tuning channels (abstract).

7. ***Any response to this action should be mailed to:***

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 746-6042 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor, (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun Gesesse whose telephone number is (703) 308-5873.. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (703) 305-4385. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4750.

TBG

Oct. 15, 2002

Tilahun Gesesse


EDWARD F. URBAN
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